

Washington, D.C. – Today, Congressman Joe Sestak (PA-07) voted for H. Res. 5, the House Rules Package for the 111th Congress, which passed by a vote of 242-181. The legislation builds on the reforms implemented by the new Democratic Majority in the 110th Congress and includes a number of changes intended to maintain the integrity of the institution and enable the House to operate more efficiently as Congress works to address the immediate and urgent challenges facing our nation. At the same time, Congressman Sestak announced plans to introduce legislation that will address one provision in the bill that he opposes, which eliminated term limits for the Chairs of House Committees. —

“I voted for passage of this legislation because it strengthens earmark reform, continues the Congress’s commitment to fiscal responsibility through PAYGO (no new program that adds to the debt except in an emergency), prevents a cumbersome and disruptive rule from taking effect that will hamper Medicare reform, makes a change to the motion to recommit that retains the Minority’s legitimate right to offer legislative alternatives, and closes a loophole that allowed Members of Congress to secretly negotiate future employment contracts. While I oppose one provision of this legislation that eliminates term limits for Committee Chairs, the bill is essential to ensure that the Congress can immediately begin working,” said Congressman Sestak.

In 2007, when Congressman Sestak took office, the new Democratic majority voted to retain the six-year term limit on Committee Chairs. Term limits eliminate unchallenged authority and ensure accountability. Congressman Sestak’s plan to introduce legislation that will restore term limits is another example of his efforts to adopt critical measures that enhance transparency in the House.

In the 110th Congress, Congressman Sestak voted to ban gifts from lobbyists, prohibit the use of corporate jets, mandate ethics training for all House employees, establish a new, independent Office of Congressional Ethics, and ensure transparency for spending earmarks by requiring their full disclosure in all bills. Having made accountability, transparency and bipartisanship the themes of his work in legislation and on local issues, Congressman Sestak hosted a meeting with Bob Edgar, President and CEO of Common Cause, last month to discuss ways to offer citizens comprehensive information about actions of their elected officials.

“The most important point on which Bob and I agree is that 2008 is very much the same as 1974 in that voters still want accountability in government,” said Congressman Sestak. “In addition to the important measures passed today, I pledge to continue to push for legislation that establishes an independent ethics commission. Members of Congress must recognize that

we serve to benefit the people we represent. We should be held to the highest ethical standards, especially in regard to avoiding activities that compromise our ability to accomplish this objective.”

H. Res. 5, the House Rules Package for the 111th Congress, builds upon the lessons learned over the past two years by:

### **Strengthening Earmark Reform**

- The 110th Congress reformed the earmark process to ensure transparency by requiring the full disclosure of earmarks in all bills and conference reports.
- The new Rules Package continues these key reforms and also codifies additional earmark reforms adopted mid-term in the 110th Congress, resulting in even further transparency and accountability in the earmark process.
- For example, the new Rules Package codifies the so-called “air drop” earmark point of order – which provides an opportunity for a separate debate and vote on the consideration of a conference report containing “air-dropped” earmarks that had not been included in either the House or Senate-passed versions of the legislation.

### **Continued Commitment to Fiscal Responsibility through PAYGO**

- The Congress and the President allowed the PAYGO law to lapse in 2002 – ushering in an era of fiscal irresponsibility.
- Then, in 2007, the new 110th Congress reinstituted PAYGO – adding tough PAYGO rules to the House rules, in order to reinstitute fiscal discipline.
- The new Rules Package continues these tough PAYGO rules and also aligns the House’s PAYGO rules with those of the Senate so that both chambers use the same Congressional Budget Office baselines, facilitating bicameral negotiations.
- The new Rules Package also allows for an exception to PAYGO for emergencies – an exception narrowly drafted.

#### **Strengthening Disclosure Requirements for Member Employment Negotiations.**

- In the 110th Congress, Democrats amended the Rules of the House to require Members negotiating post-House employment to disclose details of their negotiations until their successor was elected.
- The new Rules Package further strengthens the integrity of the House by requiring Members to disclose employment negotiations until the end of their service in the House.

## Improving Congress's Effectiveness by Reforming Motion to Recommit

- The new Rules Package will preserve the Minority's legitimate right to present their policy alternatives while preventing the abusive practice of working to kill key measures that have broad, bipartisan support from the American people by raising unrelated amendments for the sole purpose of scoring political points and forcing votes for electoral advantage.

- The Rules Package amends the House Rules to provide that a motion to recommit a bill may include instructions only in the form of a direction to report an amendment back to the House "forthwith," instead of "promptly" ("forthwith" results in an immediate vote; "promptly" sends the bill back to committee.)

- The Rules Package protects Minority rights – with the Minority still having two possible motions to recommit it can offer. Under the Package, the Minority can offer a motion to recommit "forthwith," (in which the amendment is immediately voted upon and, if adopted, is added to the bill); and it can offer a straight motion to recommit the bill to committee (in which case the vote occurs on the merits of the bill itself).

- Examples of key bills with broad, bipartisan support that were successfully killed in the 110th Congress through the use of the "promptly" motion include:

- AmeriCorps Reauthorization (H.R. 2857) – This popular, bipartisan bill that improves and reauthorizes for five years AmeriCorps was killed when it had to be pulled from the Floor when the Minority offered a "promptly" motion to recommit, which would have sent the bill back to committee with an unrelated sex offender amendment.

- Public Housing (H.R. 3521) – This bipartisan bill that makes some improvements in how HUD manages public housing programs was killed when it had to be pulled from the Floor when the Minority offered a "promptly" motion to recommit, which would have sent the bill back to committee with an unrelated gun ownership amendment.

- Examples of key bills with broad, bipartisan support that were almost killed through the use of the "promptly" motion include:

- FY 2009 Defense Authorization Bill (H.R. 5658) – A "promptly" motion to recommit with an unrelated gas price amendment would have killed this critical, bipartisan bill, which included a pay raise and increased health benefits for our troops, as well as numerous provisions to strengthen our national security. The motion would have sent the bill back to committee. Fortunately, the motion was rejected by a relatively narrow vote of 186 to 223.

- Small Business R&D (H.R. 5819) – Another "promptly" motion to recommit almost killed this bipartisan bill, which helps the nation's small businesses by extending and improving two key small business R&D programs -- Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR). The motion would have sent the bill back to committee with an unrelated gas price amendment. Fortunately, the motion was rejected by a narrow vote of 195 to 215.

## **Continuing the Office of Congressional Ethics**

- Created by a bipartisan majority during the 110th Congress and governed by a bipartisan board, the Office of Congressional Ethics establishes a fair and just manner of investigating allegations of unethical conduct.
- Its establishment was supported by good government groups such as Common Cause and U.S. PIRG, as well as by Thomas Mann of the Brookings Institution and Norm Ornstein of the American Enterprise Institute. Under the new Rules Package, the independent office will be continued without change except that the office is authorized to hire consultants as necessary.

### **Medicare Cost Containment**

The Rules Package turns off Section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. This section triggers cumbersome and disruptive procedures when general revenues cover less than 45 percent of overall Medicare costs – an ideologically driven target based on a misleading measure of Medicare’s financial health.

This provision in the Rules Package will allow Congress to consider all options for improving Medicare financing to provide a balanced and equitable solution rather than adhere to the cumbersome and disruptive statutory procedures that were included in the Medicare prescription drug bill in 2003

Prior to passage of this legislation, Congressman Sestak joined 249 of his colleagues voting against a Motion to Commit, which would have required the establishment of a select committee to review H. Res 5 and then report it back to the House. While the Congressman supported the Motion’s proposals requiring Committees to make recorded votes publicly available and keep term limits for Committee Chairs, he voted against the Motion because it would have eliminated H. Res. 5’s changes to the Motion to Recommit process that preserves the Minority’s legitimate right to present policy alternatives while preventing abusive practices that kill key legislative measures. In addition, if the revised legislation failed, the Congress would have had to introduce and pass individual legislation to oversee earmarks that are added during conference, prevent “section 803” of the Medicare Modernization Act from taking effect, and re-file the lawsuit against White House Chief of Staff Josh Bolton and former White House Counsel Harriet Miers for failing to comply with Judiciary Committee subpoenas.

“As we enter this new session of Congress, our nation is facing severe challenges. In the 110th

Congress, we enacted legislation that restored fiscal responsibility and accountability to government. This proposed Rules Package for the 111th Congress builds upon these reforms, strengthens this institution's integrity, and enables Congress to get to work immediately and effectively. A delay in passage of this important bill would have harmed the American people and my constituents," said Congressman Sestak.

*Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the Congress.*

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